

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 3:18-CV-044
	:	
Plaintiff,	:	
	:	JUDGE
v.	:	
	:	
A GLOCK GMBH, MODEL 27 GEN4, .40	:	<u>VERIFIED COMPLAINT FOR</u>
CALIBER PISTOL, SERIAL NUMBER	:	<u>FORFEITURE IN REM</u>
BCYK326, WITH A GLOCK GMBH .40	:	
CALIBER MAGAZINE,	:	
	:	
Defendant 1,	:	
	:	
and	:	
	:	
A CESKA ZBROJOVKA, MODEL	:	
SCORPION EVO 3 SI, 9MM PISTOL,	:	
SERIAL NUMBER C058127, WITH A	:	
CESKA ZBROJOVKA 9 MM MAGAZINE,	:	
	:	
Defendant 2.	:	
	:	

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendants in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 21 U.S.C. § 881(a)(11), which provides for the forfeiture to the United States of:

Any firearm (as defined in section 921 of Title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) and any proceeds traceable to such property.

THE DEFENDANTS IN REM

2. Defendant 1 is a Glock GmbH, Model 27 Gen4, .40 Caliber Pistol, Serial Number BCYK326, with a Glock GmbH .40 Caliber Magazine. On July 11, 2017, the Drug Enforcement Administration (“DEA”) seized Defendant 1 from an apartment, located at 4450 Buckeye Lane, Apt. 407, Beavercreek, Ohio, during the execution of a federal search warrant. Defendant 1 is in the custody of the DEA, where it will remain during the pendency of this action.

3. Defendant 2 is a Ceska Zbrojovka, Model Scorpion Evo 3 SI, 9mm Pistol, Serial Number C058127, with a Ceska Zbrojovka 9mm Magazine. On July 11, 2017, the DEA seized Defendant 2 from an apartment, located at 4450 Buckeye Lane, Apt. 407, Beavercreek, Ohio, during the execution of a federal search warrant. Defendant 2 is in the custody of the DEA, where it will remain during the pendency of this action.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendants pursuant to 21 U.S.C. § 881(a)(11). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendants pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and pursuant to 28 U.S.C. § 1395 because the defendants were found in the Southern District of Ohio.

BASIS FOR FORFEITURE

7. The defendants are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) because the defendants were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in 21 U.S.C. § 881(a)(1) (controlled substances) and any proceeds traceable to such property.

FACTS

8. The DEA and other law enforcement agencies are investigating the fentanyl distribution activities of individuals in the Dayton, Ohio area and elsewhere. Through the course of the investigation, the DEA has identified Robert Stroud (“Stroud”), a/k/a “Bonjo,” as a supplier of kilogram quantities of heroin and fentanyl. In addition, the DEA has identified Robert Stroud, Jr. (“Junior”) as a member of Stroud’s drug trafficking organization (“DTO”). Junior is a drug distributor for the DTO and picks up and processes drug proceeds.

9. Investigators have learned that Stroud does not appear to live at a consistent residence. Instead, he stays at locations in Houston, Texas; Charlotte, North Carolina; Chicago, Illinois; and Dayton, Ohio. Stroud’s business, Stroud Enterprises LLC, owns property located at 6352 Mantz Avenue, Dayton, Ohio (“Mantz Avenue”). Stroud has used the Mantz Avenue property for processing heroin and fentanyl.

10. Investigators received information that Stroud possessed drug proceeds in the amount of \$289,000.00 in United States currency in the microwave oven in the kitchen of the Mantz Avenue property. An individual had picked up \$64,000.00 in drug proceeds from Junior at Mantz Avenue, and the remaining \$225,000.00 was in the microwave. On February 7, 2017, the DEA executed a search warrant at Mantz Avenue. Although investigators did not locate any

currency, they discovered evidence of bulk currency collection and processing, such as a money counting machine, vacuum sealer, plastic vacuum sealed baggies, rubber bands, and latex gloves. They also observed that the Mantz Avenue property contained few personal items, which gave the residence the appearance of a “flop house.”

11. Investigators determined that one method by which Stroud moves drug proceeds is by dropping off and picking up cars at the George Bush Intercontinental Airport in Houston, Texas. On July 7, 2017, Alexis Hatter flew to the Cincinnati/Northern Kentucky International Airport (“CVG”) to meet Stroud. Based on their investigation, agents believe that Hatter traveled to Ohio for the purpose of transporting Stroud’s drug proceeds by vehicle to Houston, Texas, for future money laundering. Investigators observed Stroud in a dark gray 2015 Dodge Grand Caravan at CVG, where he picked up Hatter.

12. Following Hatter’s arrival, Stroud and Hatter stayed at an apartment located at 4450 Buckeye Lane, Apt. 407 in Beavercreek, Ohio (“Buckeye Lane”), from July 8 through July 10, 2017. On more than one occasion, Stroud and Hatter were observed at Luxury Sports Auto Sales in Dayton, where multiple vehicles arrived and departed shortly thereafter. Based on their training and experience, agents believe that drug proceeds were being delivered to Stroud.

13. On July 8, 2017, at approximately 12:30 a.m., investigators observed Stroud circle the block several times in the Dodge Grand Caravan near the De’lish Café. Investigators believe Stroud was attempting to identify whether law enforcement was following him. Investigators later observed a blue GMC Envoy following Stroud and Hatter. At one point, Stroud began driving erratically in an apparent attempt to keep the GMC Envoy close behind him for security. The driver of the GMC Envoy was later identified as Junior. Investigators believe that Stroud

had drug proceeds in the Dodge Grand Caravan at the time. Both vehicles drove to Buckeye Lane where they remained until the following morning. Investigators believe that Stroud, Junior, and Hatter transferred drug proceeds from the van to Buckeye Lane when they arrived.

14. On July 9, 2017, at approximately 12:05 a.m., Junior and an unknown female were observed walking from the Buckeye Lane apartment to the parking garage. Junior was carrying a large brown paper bag, and the unknown female was carrying a white plastic bag. Law enforcement observed Junior and the unknown female walk to the Dodge Grand Caravan, open the door, and then walk away from the van.

15. On July 11, 2017, the DEA executed a federal search warrant at Buckeye Lane. At approximately 6:00 p.m., Stroud returned to Buckeye Lane with boxed food in his hands. He briefly entered the apartment but then quickly walked back to the parking garage where the GMC Envoy was parked. Stroud entered the vehicle and fled the area. The Ohio State Highway Patrol conducted a traffic stop on Stroud's vehicle, and officers seized five cell phones from Stroud.

16. During the execution of the search warrant, agents seized five additional cell phones, an assortment of ammunition, \$12,000 in United States currency from a coat pocket in the closet of the master bedroom, and the defendant firearms and magazines (Defendants 1 and 2) from the second drawer of a dresser in the master bedroom.

17. Law enforcement is aware, based on training and experience, that drug traffickers maintain firearms and weapons to protect both controlled substances and drug proceeds. Drug traffickers maintain firearms as a use of force, or threat of force, against rival drug dealers and/or delinquent customers.

18. Stroud has a history of drug trafficking and possessing a firearm in furtherance of drug trafficking. In or about 1994, Stroud was convicted of felony drug offenses in the Montgomery County Court of Common Pleas. In 2010, Stroud was convicted in the United States District Court for the Southern District of Ohio at Cincinnati of possession of a firearm in furtherance of a drug trafficking offense in violation of 18 U.S.C. § 924(c)(1)(A). On November 9, 2017, a federal grand jury returned a one-count Indictment against Stroud (Case No. 3:17-CR-183), charging him with conspiracy to possess with intent to distribute and distribute controlled substances, namely heroin, cocaine, and fentanyl in violation of 21 U.S.C. § 846.

CLAIM FOR RELIEF

By reason of the facts set forth herein, the defendants are properly condemned as forfeited to the United States pursuant to 21 U.S.C. § 881(a)(11).

WHEREFORE, the plaintiff respectfully requests that:

(a) the Court find there is probable cause to believe that the defendants have been forfeited to the United States pursuant to 21 U.S.C. § 881(a)(11);

(b) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Court issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendants and to retain the same in its custody subject to further order of the Court;

(c) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendants to assert in conformity with the law a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for thirty consecutive days;

(d) the forfeiture of the defendants to the United States be confirmed, enforced, and ordered by the Court;

(e) the Court thereafter order the United States to dispose of the defendants as provided by law; and

(f) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Deborah D. Grimes
DEBORAH D. GRIMES (0078698)
Assistant United States Attorney
Attorney for Plaintiff
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711 / Fax: (513) 684-6385
Deborah.Grimes @usdoj.gov

VERIFICATION

I, Alexander P. Hillman, hereby verify and declare under the penalty of perjury that I am a Task Force Officer with the Drug Enforcement Administration, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except that those matters not within my own personal knowledge are alleged on information and belief, and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

Date

2/9/2018



ALEXANDER P. HILLMAN
Task Force Officer
Drug Enforcement Administration

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Montgomery

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Deborah D. Grimes, Assistant United States Attorney
221 East Fourth Street, Suite 400, Cincinnati, Ohio 45202
(513) 684-3711

DEFENDANTS

A Glock GmbH, Model 27 Gen4, .40 Caliber Pistol, Serial Number BCYK326, with a Glock GmbH .40 Caliber Magazine, et al.

County of Residence of First Listed Defendant Montgomery

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Forfeiture pursuant to 21 U.S.C. § 881(a)(11)

Brief description of cause:

Forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE Walter H. RiceDOCKET NUMBER 3:17-CR-183

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/9/18Deborah D. Grimes

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

United States District Court

SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 3:18CV044

A GLOCK GMBH, MODEL 27 GEN4, .40
CALIBER PISTOL, SN BCYK326, WITH
GLOCK GMBH .40 CALIBER MAGAZINE, et al.

TO: (Name and Address of Defendant)

(1) GLOCK GMBH, MODEL 27 GEN 4, .40 CALIBER
PISTOL, SN BCYK326, WITH GLOCK GMBH .40 MAGAZINE
c/o DRUG ENFORCEMENT ADMINISTRATION

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Deborah D. Grimes
Assistant U.S. Attorney
U.S. Attorney's Office
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202

a Claim pursuant to Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure within thirty (30) days after the service of this Summons upon you, exclusive of the day of service, and an Answer or Motion under Rule 12 to the Complaint which is herewith served upon you, within twenty (20) days after the filing of your Claim. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Richard W. Nagel

CLERK

DATE

BY DEPUTY CLERK

United States District Court

SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER: 3:18CV044

A GLOCK GMBH, MODEL 27 GEN4, .40
CALIBER PISTOL, SN BCYK326, WITH
GLOCK GMBH .40 CALIBER MAGAZINE, et al.

TO: (Name and Address of Defendant)

(2) CESKA ZBROJOVKA, MODEL SCORPION EVO 3 SI,
9 MM PISTOL, SN C058127, WITH A CESKA ZBROJOVKA
9 MM MAGAZINE
c/o DRUG ENFORCEMENT ADMINISTRATION

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Deborah D. Grimes
Assistant U.S. Attorney
U.S. Attorney's Office
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202

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Richard W. Nagel
CLERK

DATE

BY DEPUTY CLERK